IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001) 03 MDL No. 1570 (RCC)
THOMAS E. BURNETT, Sr., et al.,	_)))
Plaintiffs, v.)) C.A. No. 03 CV 9849 (RCC)
AL BARAKA INVESTMENT AND DEVELOPMENT CORPORATION, et al.,)
Defendants.) _)

AFFIDAVIT OF KHALID BIN OBAID AZZAHRI

- I, Khalid Bin Obaid Azzahri, being duly sworn, declare and state as follows:
- 1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.
- 2. I have been informed by the attorney for Al Haramain Islamic Foundation ("Al Haramain") that Al Haramain is a defendant (D54) in the above-captioned action. I am submitting this affidavit in support of Al Haramain's Motion to Dismiss for (1) failure to state a claim upon which relief can be granted and (2) improper service of process. I currently serve as the General Manager of Al Haramain.
- 3. Al Haramain is a charitable and humanitarian organization whose purpose is to engage in Islamic call activities and to provide assistance to Muslims affected by disasters, natural and otherwise. It operates through branch offices in nearly 50 countries and employs a

staff of approximately 5,000, most of whom are teachers and lecturers. Al Haramain operates under the supervision of the Saudi Minister of Islamic Affairs, who appoints its Board of Directors and senior management personnel. Furthermore, Al Haramain continues to remain in good standing with the government of Saudi Arabia, as evidenced by a declaration dated March 21, 3004. See Declaration of Abdullah Mohammed Ibrahim Al Sheikh, Saudi Minister of Justice. (Attachment B).

- 4. Al Haramain has never supported the loss of innocent life and believes that there is no justification for the tragic attacks of September 11, 2001 (9-11 attacks). Al Haramain has never supported any person or organization that it knew to participate in terrorist activities.
- 3. The Third Amended Complaint in this case has several allegations about Al Haramain, but most are in error. See ¶¶154-179. As the attached correspondence to the United Nations and related attachment show, these allegations are based largely on uncorroborated media reports and classified government allegations. See Al-Debasi Letter to Kofi Annan Dated Mar. 3, 2004. (Attachment C).
- 5. Al Haramain also denies that it had any knowledge of the activities of Osama bin Laden, or al Qaeda other than what is generally known through the press. At no time did Al Haramain ever knowingly participate in, or support in any way, terrorist activities, nor were any of its worldwide branch offices authorized by Al Haramain, explicitly or implicitly, to engage in such activities.
- 6. Al Haramain also denies that it has knowledge of any terrorist activities as alleged in ¶¶ 17, 25, 26, 27, 30 and 31 of Plaintiffs' More Definite Statement as to Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004), due largely to Plaintiff's lack of specificity and world-wide intelligence agency's use of secret evidence in its designation processes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Khalid Bin Obaid Azzahri

In his official capacity as the Financial & Administrative

Manager of Al Haramain

Executed on the 7 day of April, 2004.

28-JUN-2001 13:42 FROM ICSFP TO 0012023184331

Case 1:03-md-01570-GBD-SN

الرقيم : ٢٠ / ١ / ٥٠٥ التاريخ : ١٤٠٠ ١٤٠٠ الهرفةات :



P.04

I, the Minister of Justice of the Kingdom of Saudi Arabia confirm that, the following organizations are legally established in the Saudi Arabia and are permitted to operate under its laws and regulations;

- A. Muslim World League
- B. World Assembly of Muslim Youth
- C. Al-Haramain Islamic Foundation
- D. International Islamic Relief Organization; and

IN WITNESS WHEROF, in my capacity as Minister of Justice, the foregoing has been executed in Riyadh on this 30/1/1425H.(21/3/2004)

Minister of Justice of the Kingdom of Saudi Arabia أنا وزير العدل بالمملكة العربية السعودية أؤكد أن الهيئات المذكورة أدناه مؤسسة نظاميا في المملكة ولها أن تعمل فيها حسب الأنظمة واللوائح.

أ رابطة العالم الإسلامي ب الندوة العالمي ب الندوة العالمي الإسلامي ج مؤسسة الحرمين الإسلامية د هيئة الإعاثة الإسلامية

إشهادا بذلك ، فإني بصفتي وزيرا العدل ، تم التوقيع على هذا في الرياض في يوم كا/ \(\Lambda\) / 1870 هـ. الموافق لك/ ٢٠٠٤/٢م

Name: Abdullah Mohammed Ibrahim Al Sheikh

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Signature

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لتوقیع: عراصما ۲۷/۱/دیم

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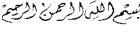
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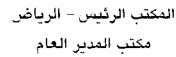
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Rel.:5282/25/2 03/03/2004

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مؤسسة الحرمين الخيرية



التاريخ:



His Excellency, Kofi Annan The Secretary-General United Nations

Greetings,

My name is Debas Mohammed Al-Debasi and I am the General Manager of Al Haramain Charitable Foundation in, Saudi Arabia head-office in Riyadh. I took over as General Manager, on January 7, 2004.

I am extremely concerned about the allegations of Al Haramain serving as a front or conduit for terrorist financing through its field offices. I am working to institute practices and procedures within the organization to address any concerns regarding the conduct of personnel and the expenditure of funds that would detract from Al Haramain's humanitarian and international development program work and the fulfillment of its mission. The designations by the United Nations 1267 Committee of Al Haramain's Bosnia and Somalia field offices in March 2002 followed by the recent designations of its Indonesia. Kenya, Pakistan, and Tanzania field offices has, of course, greatly inhibited the humanitarian work of Al Haramain.

These U.N. designations raise particular concerns because we have no information about the specific criteria used by the 1267 Committee when it "designates" a particular entity. Likewise, we have no idea what factual bases the U.N. considered with respect to the activities in each of these Al Haramain field offices that warranted designation. Moreover, it is my understanding that Al Haramain did not participate in any way in this designation process and was not given an opportunity to rebut the "case" for designation.

Accordingly, I request that, going forward, we receive notice of any potential designations -prior to such designation -- and be afforded the opportunity to rebut the 1267 Committee's "case" for designation. A

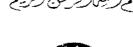
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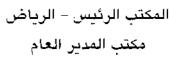
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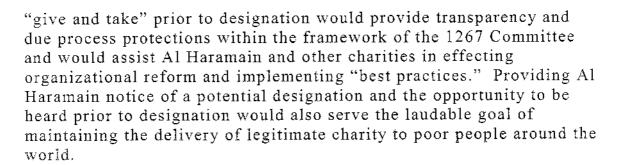
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Date :



مؤسسة الحرمين الخيرية





Having set forth my concerns and aspirations, I write to seek a dialogue between the 1267 Committee (or its successor) and Al Haramain on these issues. This way, the humanitarian and relief work of Al Haramain would not be interrupted or aborted unnecessarily. Furthermore, Al Haramain would have the opportunity to present documents and information in an effort to reverse the designations in place now and avoid future designations. A dialogue between Al Haramain and the Committee would also serve the mutually beneficial goal of institutional reform.

Finally, please find enclosed a letter from legal counsel to a media outlet in Nairobi. As you can see, the host countries investigation of Al Haramain conclusively proved that Al Haramain had nothing to do with the 1998 bombings. Unfortunately, this unfounded accusation account seems to get recycled whenever it is convenient to bash Saudibased charities.

Best Regards,

(Debas Molammed Al Debasi) General Manager

